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May 6, 2024

MEMORANDUM ENDORSED

Hon. Gabriel W. Gorenstein
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Okla. Firefighters Pension & Ret. Sys. v. Musk, et al.*, Civ. A. No. 22-Civ.-3026 (ALC) (GWG)

Dear Judge Gorenstein,

We represent non-party Morgan Stanley Smith Barney LLC (“Morgan Stanley”) in connection with a subpoena Morgan Stanley received in the above-captioned matter. On April 30, 2024, Plaintiff filed its First Amended Complaint (the “Amended Complaint”) including redacted information under seal. On May 1, 2024, the Court ordered that any “non-party seeking to have redactions in the amended complaint remain under seal shall file a letter or memorandum of law on or before May 8, 2024, explaining why the sealing is permitted by law.” ECF 75. Morgan Stanley respectfully requests a two-day extension of its deadline to file any letter or memorandum of law until Friday, May 10, 2024. Morgan Stanley has not previously sought any requests for extensions in this matter, and counsel for Plaintiff has advised that Plaintiff does not oppose this request.

Morgan Stanley respectfully requests an extension in order to consider whether it will oppose the unsealing of this confidential information. Morgan Stanley is a third party that complied with a subpoena and produced over 2,500 documents in this matter. Plaintiff did not inform Morgan Stanley that it planned to file an amended pleading, nor did Plaintiff inform Morgan Stanley that Plaintiff intended to reference confidential documents produced by Morgan Stanley. Instead, at 11:04 pm on Wednesday, May 1, Plaintiff’s counsel sent Morgan Stanley an email which indicated for the first time that Plaintiff had filed an Amended Complaint, and attached excerpts of Paragraphs from the Amended Complaint which were purportedly drawn from Morgan Stanley documents. The Amended Complaint contains 78 Paragraphs which refer to or quote from a small number of the 2,500 documents Morgan Stanley produced in discovery. Morgan Stanley is currently evaluating whether to request to maintain the sealing of any of the redacted information in these 78 Paragraphs, which include the names of current and former Morgan Stanley employees.

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Accordingly, Morgan Stanley respectfully requests a modest extension of two days, until May 10, 2024, to file any letter or memorandum of law concerning the continued sealing of paragraphs of the Amended Complaint referencing Morgan Stanley confidential documents. Under this proposed schedule, any opposition would be due on Tuesday, May 14, 2024.

We are available to answer any questions the Court may have.


Respectfully,

/s/ Jonathan D. Polkes

Jonathan D. Polkes

The proposed schedule is approved.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

May 7, 2024